

The background features abstract, overlapping green geometric shapes in various shades, creating a modern and dynamic feel. The shapes are primarily triangles and polygons, some solid and some semi-transparent, arranged in a way that suggests movement and depth. The colors range from light lime green to dark forest green.

Open Meetings:

Public Meetings in a Digital Age

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Open Meetings in the City

- ▶ Sec. 240. - Open meetings.
- ▶ The public bodies of the city shall hold all meetings in accordance with the general laws of the state pertaining to open meetings. In addition to those entities defined as public bodies in the general laws of the state, an entity of the city shall be considered a public body for purposes of this section if its members are appointed by an officer of the city, and the entity has been established and its members appointed for the sole purpose of advising any officer or decision-making body of the city.
- ▶ RC 121.22:
- ▶ (C) All meetings of any public body are declared to be public meetings open to the public at all times. A member of a public body shall be present in person at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting.

And then COVID came....



Eventually, the General Assembly passed emergency legislation...

- ▶ HB 197, Sec. 12 - *Signed into law March 27, 2020*
- ▶ (B) During the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, but not beyond December 1, 2020, if the period of the emergency continues beyond that date, members of a public body may hold and attend meetings and may conduct and attend hearings by means of teleconference, video conference, or any other similar electronic technology and all of the following apply:
 - ▶ (1) Any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.
 - ▶ (2) Notwithstanding division (C) of section 121.22 of the Revised Code, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing.

And provided, via legislation, assurances that the public would be able to attend

- ▶ (3) **Public bodies shall provide notification of meetings and hearings held under this section to the public**, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.
- ▶ (4) **The public body shall provide the public access to a meeting held under this section**, and to any hearing held under this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including, but not limited to, examples such as live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. **The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body**, whether the member is participating in person or electronically.
- ▶ (C) When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, **the public body must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses**, and to receive documentary testimony and physical evidence.

So we all adjusted....



And under Home Rule, the City has the authority to legislate to adapt to changing technologies....

- ▶ Home Rule gives municipalities a sovereignty over matters of local government. In such matters, if a provision of a municipal charter conflicts with state law, the charter provisions will prevail. *State ex rel. Bardo v. Lyndhurst*, 37 Ohio St.3d 106, 108-109, 524 N.E.2d 447(1988), *citing State ex rel. Devine v. Hoermle*, 168 Ohio St. 461, 156 N.E.2d 131 (1959), and *State ex rel. Allison v. Jones*, 170 Ohio St. 323, 164 N.E. 2d 417 (1960); *see also State ex rel. Lightfield v. Indian Hill*, 69 Ohio St.3d 441, 442, 633 N.E.2d 524 (1994).

Amending the Charter: Continuing to Allow for Greater Access

- ▶ Sec. 240. - Open meetings.
- ▶ The public bodies of the city shall hold all meetings in public as provided for by ordinance of council ~~accordance with the general laws of the state pertaining to open meetings~~. In addition to those entities defined as public bodies in the general laws of the state, an entity of the city shall be considered a public body for purposes of this section if its members are appointed to serve as a member of the public body by an officer of the city, and the entity has been established and its members appointed for the sole purpose of advising any officer or decision-making body of the city.

Amending the Charter: Continuing to Allow for Greater Access

- ▶ Sec. 8. - Meetings of council.
- ▶ At 5 o'clock p.m., on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding meetings. If the first Monday in January is a legal holiday, then the meeting shall be held on the following day. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution; provided that at least fifty regular meetings shall be held in each year. The mayor, the president of the council, or any three members thereof may call special or emergency meetings of the council as provided for by ~~general laws of the state~~ ordinance of council. All meetings of the council or committees thereof shall be held ~~in public in accordance with the general laws of Ohio pertaining to the requirements for open meetings of public meetings as provided for by ordinance of council~~ bodies and the minutes and records thereof shall be maintained as an electronic record that is made available to the public pursuant to the general laws of the state governing public records.

Then the specifics could be addressed in Code...

- ▶ Chapter 119 - PUBLIC MEETINGS

- ▶ 119.01 - Definitions

- ▶ (A) As used in this chapter:

- ▶ (1) "Electronically" means by way of electronic equipment or devices, including but not limited to, live-streaming by means of internet, local radio, television, cable public access channels; call in information for a teleconference; or by means of any other similar electronic technology.

- ▶ (2) "Open to the public" means that a public meeting, or hearing conducted in-person, virtually, or any combination thereof, to which the public has access to the deliberations and official actions of the public body in-person, virtually, electronically, or any combination thereof.

- ▶ (3) "Public body" has the same meaning as defined in RC Sec. 121.22 and Sec. 240 of the City Charter.

- ▶ (4) "Virtually" means by way of teleconference, video conference, or any other similar electronic technology.

Proposed City Code

- ▶ 119.03 - Open Meetings
- ▶ (A) The public bodies of the city shall hold all meetings in accordance with the general laws of the state pertaining to open meetings unless otherwise provided for in this chapter or by ordinance of council.
- ▶ (B) All meetings of any public body are declared to be public meetings open to the public at all times. Each public body shall determine the method by which its meetings or hearings are open to the public. For public hearings conducted virtually, the public body must also establish a means, through the use of electronic equipment that is widely available to the general public, to communicate with witnesses and to receive documentary testimony and physical evidence.

Proposed City Code

- ▶ 119.05 - Attendance at Open Meetings
- ▶ (A) A member of a public body shall be in attendance at a meeting open to the public to be considered present or to vote at the meeting and for purposes of determining whether a quorum is present at the meeting. Public bodies may establish rules or bylaws permitting its members to attend public meetings or hearings of the public body in-person, virtually, or a combination of the two.
- ▶ (B) The following shall apply if any or all of the members are permitted to attend virtually:
- ▶ (1) Each member attending virtually shall be considered present as if the member is in-person at the public meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the public meeting or hearing;
- ▶ (2) Any vote on a resolution, ordinance, motion, or formal action of any kind cast by a member attending virtually shall have the same effect as if the member were attending the public meeting or hearing in-person; and
- ▶ (3) The public body shall ensure that members of the public can observe and hear the discussions and deliberations of all the members of the public body, whether members are attending in-person or virtually.
- ▶ (C) The members of a public body may hold an executive session but only after a majority of a quorum of the public body determines, by a roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any matter provided for in RC Sec. 121.22. Public bodies may establish rules or bylaws permitting its members to attend an executive session of the public body in-person, virtually, or a combination of the two as provided for in division (B).

Proposed City Code

- ▶ 119.07 - Notice to the Public
- ▶ (A) Each public body shall provide at least twelve (12) hours' prior notification of the time, place, agenda items, and the manner by which the meeting or hearing will be held.
- ▶ (B) Notification may be made...
- ▶ 119.09 - Meeting Minutes
- ▶ (A) The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions.
- ▶ (B) Where a full audio or video with audio of the meeting has been recorded and preserved as a public record, written meeting minutes are not required.